

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE**

In Re: * **Chapter 7**
* **Case No. 20-10424-BAH**
*
Theresa Pearson *
*
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*
Debtor(s) *

Theresa Pearson * **Adv. Pro. No. 20-01024-BAH**
*
v. *
*
*
Katherine Drisko *
Defendant *

EXPARTE MOTION TO DISMISS ADVERSARY PROCEEDING WITH PREJUDICE

Theresa Pearson, Chapter 7 Debtor (“Debtor”) moves to dismiss the Adversary Proceeding entitled Theresa Pearson v. Katherine Drisko, Adv. Pro. No. 20-01024-BAH as follows:

1. Debtor filed a Chapter 7 Petition on April 18, 2020. (the “Petition Date”).
2. As of the Petition Date Debtor owned ½ of her residence located 848 Rollins Road, Hopkinton, NH. (the “Residence”)
3. The Residence was encumbered by an \$81,000 mortgage in favor of Drisko on the Petition Date.
4. Drisko claimed the balance of the mortgage included not only the \$81,000 piece but advances she made on the first/bank mortgage on the property to retire it of over \$320,000.00. (the “Advance Payments”).

5. Debtor disputed the right of Drisko to charge her second mortgage with the Advance Payments.

6. Debtor owned $\frac{1}{2}$ of the Residence¹. Drisko owned the other half. The Residence is worth no more than \$340,000.00, and probably less. This means that Debtor's $\frac{1}{2}$ interest was worth no more than \$170,000.00 with the \$81,000 mortgage and Debtor's homestead interest of \$120,000.00, there was no equity in Debtor's portion of the house even if the dispute regarding the Additional Payments was resolved 100% in Debtor's favor.

7. The parties reached an agreement.

8. The agreement had no impact on the Trustee or other creditors or interested parties because the Residence is fully or over encumbered by secured claims and the Debtor's homestead exemption.

9. The Agreement was fair and reasonable under the circumstances. The Court approved the Agreement and Motion in open court on December 9, 2020. The terms of the settlement have been satisfied.

WHEREFORE, the parties respectfully request this Court:

- A. Grant this motion; and
- B. Order such other relief as the Court deems just and equitable.

¹ Drisko is Debtor's ex mother-in-law. Drisko obtained title to the other $\frac{1}{2}$ interest in the Residence from her son.

Respectfully Submitted,

Theresa Pearson, Plaintiff
By and Through Her Attorneys
Notinger Law, PLLC

Date: January 12, 2021

/s/ Steven M. Notinger
Steven M. Notinger (BNH #03229)
Notinger Law, PLLC
PO Box 7010
Nashua, NH 03060-7010
(603) 888-0803
steve@notingerlaw.com

Certificate of Service

I hereby certify that I have on this date served the foregoing document upon the parties registered to receive electronic notice in this matter via CM/ECF.

Via CM/ECF

20-10424-BAH Notice will be electronically mailed to:

Brad C. Davis on behalf of Creditor Katherine Drisko
brad@davishuntlaw.com

Brad C. Davis on behalf of Defendant Katherine Drisko
brad@davishuntlaw.com

Olga L. Gordon
ogordon@murthalaw.com, MA40@ecfcbis.com; jbabula@murthalaw.com; lmulvehill@murthalaw.com

Steven M. Notinger on behalf of Debtor Theresa Pearson
steve@notingerlaw.com, cheryl@notingerlaw.com; debbie@notingerlaw.com

Steven M. Notinger on behalf of Plaintiff Theresa Pearson
steve@notingerlaw.com, cheryl@notingerlaw.com; debbie@notingerlaw.com

Office of the U.S. Trustee
USTPRegion01.MR.ECF@usdoj.gov

Lawrence P. Sumski
SumskiCh13@gmail.com

Dated: January 12, 2021

By: /s/ Steven M. Notinger
Steven M. Notinger, Esq. (BNH #03229)